



Administrative Office of the Courts

James T. Glessner
State Court Administrator
125 Presumpscot Street (zip 04103)
P.O. Box 4820
Portland, Maine 04112-4820

Telephone: (207) 822-0792
FAX: (207) 822-0781
TTY: (207) 822-0701

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Shirrin Blaisdell, Acting Budget Officer
Department of Administrative and Financial Services
Budget Office
58 State House Station
Augusta, Maine 04333-0078

Dear Ms. Blaisdell:

I write in response to the e-mail of December 6, 2012 regarding a curtailment target of \$661,210 for the Judicial Branch.

Prior to this request, our resources were already strained, due, in part, to an increase in appointment of Guardians ad Litem for Title 22 child protective cases, and other cost increases, and we have prepared a supplemental budget request for FY 13. We had concluded that we would have to delay certain court dockets in order to not go over budget. In short, we have no excess funds, and any cuts will impact the delivery of justice.

In the last decade, in the wake of substantial budget cuts, we have aggressively controlled costs and have redoubled our efforts to create efficiencies, or otherwise meet budget challenges, by:

- Consolidating 45 Clerks' offices into 29 offices;
- Implementing Unified Criminal Dockets ("UCD") in Cumberland and Penobscot Counties which eliminated duplicative criminal case transfers from the District Court to the Superior Court;
- Closing 2 courthouses: Livermore Falls & Bar Harbor, and substantially reducing hours in 2 more: Madawaska & Millinocket;

Additionally, as a result of budget shortfalls:

- Merit increases and COLAs for staff, and COLAs for judges, in FYs 10, 11, 12 & 13 were eliminated; Four years without pay increases has been demoralizing and has contributed to high turnover in staff;
- Jurors continue to receive \$0.15/mile when the state mileage rate is \$0.44/mile, and \$10.00/day compensation, both unchanged since 1991;

- The jury budget, itself, has not increased for many years, thus delaying jury trials for those who request them. Of course, in the criminal context, this delay hurts public safety and confidence in the criminal justice system.

In sum, we have been as aggressive as possible in trying to provide safe, cost effective access to justice for Maine people. But there are limits to the Judicial Branch's ability to provide a safe, efficient, and accessible system of justice, with the funding allotted. Although the economy has slowed, the demand for justice remains:

- *Every business day*, on average, 568 matters are filed in Maine trial courts, including 159 civil cases, 104 family matter cases, 42 applications for protection from abuse or harassment, and 231 criminal cases. An additional 411 civil violations are filed, on average, in the Violations Bureau.
- Approximately 70% of people in Maine's busiest court, the District Court, are unrepresented by legal counsel in civil matters, putting additional demands on court staff to help Maine people access the justice system.

The Judicial Branch FY 13 operating budget is \$49.7 million dollars for people and buildings for constitutionally or statutorily mandated dispute resolution. To spend less than we are now spending requires legislative changes including closing courthouses. *We cannot operate 38 courthouses with any fewer employees.*

Therefore, to be clear, what follows is not a recommendation. It is a response outlining the cuts that would have to be made to curtail the FY13 Judicial Branch budget by even 1%:

1. **Reduce Staffing-** Almost 70% of the operating budget pays salaries and benefits. Cutting \$661,210 from the operating budget without reducing case-types or closing courts requires maintaining 26 (for half year) vacancies, and this could not be done with attrition since we do not have that many vacancies. That would have a negative effect on the state budget and public service:
 - Fewer employees, and fewer courtrooms, mean fewer cases will be processed and revenue collected for the General Fund will drop proportionately to the reduction in cases processed;
 - County jail budgets, and state expenditures would increase due to delays in processing cases and longer jail times to hold prisoners, pre-trial;
 - Businesses will be substantially affected because criminal, family, and domestic violence cases must be heard before civil disputes;
 - Public service window hours will be reduced, resulting in less access for Maine citizens;
 - Delays in prosecution will occur, further harming the public; and
 - Entry screening will be cut back, further jeopardizing public safety.
2. **Guardians Ad Litem** - Title 22 mandates this expense, presently estimated at \$2 million, based on the present number of cases filed by DHHS. Cuts require either a deliberate slowing of the protective custody docket (slowing payments to GALs), which would

violate federal law, or legislative action to restrict the scope of required GAL services. To reduce that resource for children, specific amendments to 22 M.R.S. §4005 would have to be enacted. We do not recommend the first course of action; it jeopardizes children and violates federal law; and the second, requiring legislative approval, is unlikely to be accomplished in a time that would impact the FY 13 budget.

3. **Close courthouses** --We cannot close any courthouses in a time frame that generates savings in FY 13, as closing courthouses requires legislation. The two courthouses that are the least utilized, Madawaska and Millinocket, would reduce costs by only about \$56,000/year in FY 14 and beyond. Moreover, closing courthouses does not reduce filings, or the need for courtrooms; it only moves work from one location to another.
4. **Cut Court Security** -- Last year, the Governor proposed, and the Legislature agreed to a badly needed increase in entry screening. The increase funded additional contract labor and enabled us to increase entry screening from less than 30% of court days to approximately 50% of open court days. The contracts with the county sheriffs are annual contracts and cannot be reduced during the term of the contract, unless there is a "de-appropriation," requiring legislation. Of course, any reduction in court security jeopardizes the safety of court employees and the public.

In conclusion, cuts that reduce courtrooms and staff result in delays that create additional costs for the state:

- Public safety is jeopardized when prosecutions are delayed;
- Delay increases costs if defendants spend a longer pre trial period in jail;
- Delaying divorce and child custody matters leaves families and children in unstable situations, and increases the risk of potentially lethal domestic violence;
- Delay reduces General Fund revenues; and
- Further reductions in entry screening, already inadequate, increase risk to the public and court staff.

The bottom line is that the Judicial Branch has no control over the number of case filings. All the branch can do to reduce spending is to delay the administration of justice, and justice delayed is justice denied. **We have thoroughly reviewed the budget to respond to your request, and in doing so have not identified savings that can be achieved immediately for the FY 13 budget.** I understand from your letter that you will be considering the curtailment responses in the next few days. I am happy to discuss this with you at your convenience.

Sincerely,



James T. Glessner
State Court Administrator

Cc: Michael Cianchette, Esq.